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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/636,359 08/11/00 REUTER

R 000519

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PM82/1019

EXAMINER

NGUYEN, C

ART UNIT

PAPER NUMBER

3635

DATE MAILED:

10/19/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/636,359

Applicant(s)

REUTER ET AL.

Examiner

Chi Q Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18, and 52-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17, 18, 55 and 56 is/are allowed.
- 6) ☒ Claim(s) 1-16, and 52-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 9-11, and 52-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Waalkes (U.S. Pat. No. 5,899,035).

Regards to claims 1-5, 7, 9-11, and 52-53, Waalkes discloses a knock-down portable partition system 1, comprising vertical posts 6, lock members 12, a rigid frame 2, facing panels 4 are removably mounted to rigid frame members 2, means for mounting having top, intermediate, bottom support brackets 5 between frame panels, a cross member 106, vertical supports 7 having a plurality of openings 21 for cable or utility wires 23, 24, bottom panels 42, a free standing member 30, a base cover 50, utility troughs 30, 31, communication lines 30, power lines 28, (see Figs. 1-13, 24-27, 33-34, Cols. 6-10).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8, 12, 15-16, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waalkes (U. S. Pat. No. 5,899,035) in view of Nickens (U. S. Pat. No. 5,537,766).

Regards to claims 6, 8, 12, 15-16, and 54, Waalkes discloses a knock-down portable partition system which comprising vertical posts 6, lock members 12, a rigid frame 2, facing panels 4 are removably mounted to rigid frame members 2, means for mounting having top, intermediate, bottom support brackets 5 between frame panels, a crow member 106, vertical supports 7 having a plurality of openings 21 for cable or utility wires 23, 24, bottom panels 42, a free standing member 30, a base cover 50, utility troughs 30, 31, communication lines 30, power lines 28 as previously described in paragraph 2.

Waalkes does not disclose expressly and specifically the left end of one of individual panel assemblies is adapted to be secured to the right end of another of individual panel assemblies.

Nickens teaches the display panel systems 10a, 10b each includes a plurality of display panels 12 which are pivotally interconnected one to the other. (See Figs. 1, 2, Column 3, 62-67, Column 4, lines 1-3). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine and modify Waalkes with Nickens' teaching for a plurality of display panels. The motivation for doing so would have been to provide a horizontal connection for panels.

***Allowable Subject Matter***

5. Claims 17-18 and 55-56 are allowed.

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The following is an examiner's statement of reasons for allowance: The prior art fail to disclose or render obvious the claimed combination including the crown member having an upper, lower angled, an inclined clamping surface, an up-mount and down bracket as specifically set forth in the claims.

### ***Response to Arguments***

Applicant's arguments filed on 8/16/01, and traversed with the limitation of the frame assembly such that there exists an "unobstructed" cavity formed between the frame assembly and the facing panel assembly have been fully considered but they are not persuasive because:

As shown in Figs. 9, 33-34, Waalkes et al. shown the vertical posts having two panel mountable sides (front and rear) and each panel having a plurality of mounting means so that assembler simply mounts those panels in front and rear of the vertical posts creating a cavity in between of front and rear panel for utility cable routing.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:00), Fridays off or the examiner's supervisor Carl D. Friedman (703) 308-0839.

CQN 10/16/01



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600